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EXAMINER	
TANG, KAREN C	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/786,527	LOBIG, NORBERT	
	Examiner	Art Unit	
	Karen C Tang	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 23-42 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 23-42 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 3/5/01 is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 1/18/02.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

I. Claim 23–29, 31-37, 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Butler II hereinafter Butler (US 5,625,681).

1) Referring to claim 23 and 32, Butler discloses:

A first telecommunication network: Examiner interprets the first telecommunication network as a service area which covers area code (801) refer to Fig 2b.

A local exchange: Examiner interprets a local exchange as a switch 22b, refer to Col 4, Line 6-19 and Fig 2b.

A second telecommunication network: Examiner interprets the second telecommunication network as a service area which covers area code (802) refer to Fib 2b.

A second local exchange: Examiner interprets a second local exchange as switch 22c and d refer to Fig 2b.

A subscriber: Examiner interprets a subscriber as John Smith, refer to Col 4, Line 9.

Said first telecommunication network being connected to said second telecommunication network via a connection point (STP/SCP), refer to Fig 2b.

Said subscriber station involved in a change between telecommunications network, Examiner interprets the change between telecommunications as the subscriber moved from one area to another and need to change the area code refer to Col 8, Line 40-57.

Said subscriber station initially connected to said first telecommunications network, refer to Col 4, Line 6-19.

Said primary routing information pertaining to said subscriber station, Examiner interpret the routing information as a telephone number Col 3, Line 40-48 and Col 4, Line 21.

Said primary routing information being contained in the first and second telecommunication network, refer to Col 8, Line 40-57.

Said primary routing information for defining a connection set up from the second telecommunications network to the first local exchange, refer to Col 3, Line 48-67 and Col 4, Line 30-49, and Col 8, Line 40-57.

Initially storing the secondary routing information in the first local exchange, refer to Col 4, Line 30-49.

Secondary routing information for defining a further connection setup, for the subscriber station to the secondary telecommunications network via the

connection point provided that the subscriber station is not present, refer to Col 8, Line 22-25, Line 47-58.

Disconnecting the subscriber station from the first local exchange, refer to Col 8, line 40-64.

Connecting the subscriber station to the second local exchange, refer to Col 8, line 40-67.

2) Referring to claim 24, Butler discloses changing the primary routing information in the second telecommunications network such that connections from the second communications network to the subscriber station are being set up to the second local exchange refer to Col 5, Line 39-52.

3) Referring to claim 25, Butler teaches:

If the subscriber station is still being connected to the first local exchange, then carrying out the further connection setup via the first local exchange refer to Col 3, Line 48-67.

If the subscriber station is no longer connected to the first local exchange, then, carrying out the further connection setup via an associated secondary routing information refer to Col 4, Line 60-67, Figure 4 and Col 5, Line 1-5.

4) Referring to claim 26, Butler discloses activating the secondary routing information in the first local exchange upon a fault occurring on an access line of

the subscriber station while disconnecting the subscriber station, said secondary routing information relating to the subscriber station refer to Col 4, Line 20-25.

5) Referring to claim 27and 35, Butler discloses changing the primary routing information in the first communications network after disconnecting the subscriber station from the first local station, so that communication requests originating from the first telecommunications network to the subscriber station are passed from the first telecommunications network to the second telecommunications network via the connection point refer to Col 6, Line 45-55 and Col 7, Line 3–22.

6) Referring to claim 28, Butler discloses deleting the secondary routing information in the first local exchange – said secondary routing information relating to the subscriber station refer to Col 4, Line 47- 54

7) Referring to claim 29, Butler discloses the network deleting details from the first local exchange, said details relating to a relevant subscriber station being previously connected to the first telecommunications network, refer to Col 6, Line 50-59.

8) Referring to claim 31 and 39, Butler discloses a carrier signal for a duration of the subscriber switching, said the signal being monitored by the first local

exchange in order to identify a line fault in a(n) digital/analog lines refer to Col 1, Line 34-50.

9) Referring to claim 33, Butler discloses details that provide information to the subscriber station in a course of a connection request with storage of the secondary routing information in the secondary local exchange if the subscriber station is still being connected to the first local exchange, then, carrying out the further connection setup via the second local exchange refer to Col 9, Line 28-42 and Col 10, Line 1-4.

Butler further disclose if the subscriber station is no longer connected to the second local exchange, then, carrying out the further connection setup via an associated secondary routing information refer to Col 9, Line 42-50 and Col 10, Line 1-4.

10) Referring to claim 34, Butler discloses deactivating the secondary routing information relating to the subscriber station in the second local exchange, upon a fault end signal occurring on an access line of the subscriber station while disconnecting the subscriber station refer to Col 4, Line 60- 68 and Col 5, Line 1-5

11) Referring to claim 36, Butler discloses the network deleting details from the second local exchange refer to Col 6, Line 55-60.

12) Referring to claim 37, Butler discloses by change a part of the details, it indicate a connection of the subscriber station to the second local exchange refer to Col 10, Line 43-49.

13) Referring to claim 40, Butler discloses storing and making available the primary and secondary routing information by utilizing at least one of a local operation at an exchange level and a central operation in a network refer to Col 4, Line 35-45.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

II. Claim 30,38, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler II hereinafter Butler US 5,625,681 in view of McGary et al. hereinafter McGary US 5774316.

1) Referring to claim 30, Butler discloses that if the subscriber station is still being connected to the first local exchange, then carrying out the further connection setup via the first local exchange and if the subscriber station is no longer

connected to the first local exchange, then, carrying out the further connection setup via an associated secondary routing information refer to Col 3, Line 48-67. Butler does not expressively indicate the fault is a line fault and means the ground fault and a short circuit of a subscriber line.

McGary teaches a fault is a line fault in the first local exchange being caused by at least one of a ground fault and a short circuit of a subscriber line during disconnection of said associated subscriber station, the associated subscriber station being an analog subscriber refer to Col 2, Line 8 - 10

At the time of the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching Butler with the teaching of McGary. One of ordinary skill in the art would have been motivated to do this because if there is a ground fault, it could damage other circuit such as the power supply, and for the safety reason, it would be wise to disconnect said associated subscriber station, the associated subscriber station being an analog subscriber.

2) Referring to claim 38 Butler discloses that if the subscriber station is still being connected to the first local exchange, then carrying out the further connection setup via the first local exchange and if the subscriber station is no longer connected to the first local exchange, then, carrying out the further connection setup via an associated secondary routing information refer to Col 3, Line 48-67. Butler does not expressively indicate fixing a line at the second local exchange upon connection of the subscriber station, by rectifying at least one of a ground

fault and a short circuit existing on a subscriber line providing that the subscriber station is an analog subscriber station.

McGary teaches rectifying a ground fault and a short circuit existing on a subscriber line, which can prevent a fault occur in the line refer to Col 7, Line 19-26.

At the time of the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching Butler with the teaching of McGary. One of ordinary skill in the art would have been motivated to do this because by rectifying the ground fault, it can reduce the amount of current flow into the system, and it can protect telecommunication service personnel working on line-worked telephone circuits from ground faults, without having to first disconnect the power source prior to working on the line.

3) Referring to claim 41, Butler does not disclose a detecting a connection control by counting a passing of a connection in involved transient nodes, said connection control being carried out more than one time via the connection point in a course of setting up the connection; and clearing the connection provided that a defined number of counting is being exceed.

McGary discloses there is a prescribed 'ground fault' threshold in the telecommunication system, once through the sensor resistor exceed the prescribed 'ground fault' threshold, the switching circuit can reduce the power to the telephone line to a safe level. The sensor resistor can detect the "ground

fault" threshold by detecting the amount of signal/connection passed through the system refer to Col 2, Line 44-50.

At the time of the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching Butler with the teaching of McGary. One of ordinary skill in the art would have been motivated to do this because by having a prescribed threshold and a system which can clear the connection (reducing the power), it would reduce the chance of having a ground fault. Thus it can protect telecommunication service personnel working on line-worked telephone circuits from ground faults, without having to first disconnect the power source prior to working on the line.

4) Referring to claim 42:

Butler discloses connecting to the subscriber station to at least one of the first exchange and the second exchange via an access network interface refer to Col 4, Line 6-19.

Butler discloses utilizing one of an availability and unavailability of the subscriber station as a criterion for one of an activation and a deactivation of the further connection setup in accordance with the secondary routing information of the subscriber station refer to Col4, Line 6-19.

Butler discloses one of an availability and non-availability being signaled by the subscriber station to a respective local exchange refer to Col 7, Line 4–25.

McGary discloses there is a prescribed 'ground fault' threshold in the telecommunication system, once through the sensor resistor exceed the

prescribed 'ground fault' threshold, the switching circuit can reduce the power to the telephone line to a safe level. The sensor resistor can detect the "ground fault" threshold by detecting the amount of signal/connection passed through the system refer to Col 2, Line 44-50.

At the time of the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching Butler with the teaching of McGary. One of ordinary skill in the art would have been motivated to do this because by having a prescribed threshold and a system which can clear the connection (reducing the power), it would reduce the chance of damage the power supple.

Response to Arguments

III. Applicant's arguments filed 12/17/04 have been fully considered but they are not persuasive.

1) In the remark, the applicant argued that 1) Butler does not provide an initial storing of secondary routing information in a first telecommunication network with the secondary routing information being used for connection set up to the second telecommunication network via the connection point when the subscriber station is not present. 2) The sections cited in Butler pertain to a mechanism for translating subscriber numbers and provider numbers translated to subscriber numbers which is not discussed or mentioned in the present application. Without evidence of a suggestion, teaching or motivation in the prior art to combine, simply takes the inventor's disclose as a blueprint for piecing together the prior

art to defeat patentability, which is the essence of hindsight. 3) No showing of the teaching or instruction to combine the elements from the cited prior art patents.

2) Examiner respectfully traverse the argument:

As to point (1) Initially storing the secondary routing information in the first telecommunication network (switch 22b is within the first telecommunication network) exchange (refer to Col 4, Line 30-49 and Fig 2b, it is inherent that once the user dial the secondary routing information (another party's phone number with different area code) the database as stated in the art initially store its information since it is not within the database)).

Secondary routing information for defining a further connection setup, for the subscriber station to the secondary telecommunications network via the connection point provided that the subscriber station is not present, refer to Col 8, Line 22-25, Line 47-58.

As to Point (2) In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

As to Point (3) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, at the time of the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching Butler with the teaching of McGary. One of ordinary skill in the art would have been motivated to do this because by having a prescribed threshold and a system which can clear the connection (reducing the power), it would reduce the chance of having a ground fault. Thus it can protect telecommunication service personnel working on line-worked telephone circuits from ground faults, without having to first disconnect the power source prior to working on the line. Although the claims as amended are patentably distinct from the prior art, but one ordinary skilled in the art would be compelled to combine the elements cited by Examiner as the reason stated above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER